IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.4266 OF 2006

Mrs.Jayashree Parthasarathy & Ors. ...Petitioners.
Vs.
K. Mukundha Rajan. ...Respondent.

....

Mr. Rajiv L. Patilfor the Petitioners.
Mr. P.K. Dhakephalkar with Mr.Niranjan Shimpi for the Respondent.

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CORAM : DR.D.Y.CHANDRACHUD, J.

July 11, 2006.

P.C.

An interlocutory injunction granted on 28th January 2003 has been vacated by the Appellate Bench of the Court of Small Causes. Prima facie, the documents adverted to in paras 15 and 16 by the Appellate Bench would demonstrate that a prima facie case has been made out to the effect that exclusive possession has been with the Respondent. That apart, in so far as the balance of convenience is concerned, the Petitioners have another flat which is available for occupation. In these circumstances, no case for interference at the interlocutory stage is made out under Article 227 of the Constitution. The Trial Court is requested to endeavour to dispose of the suit on or before 31st March 2007. It is

also clarified that the observations in the order impugned herein are confined to the disposal of the application for interim relief and shall not come in the way of the final adjudication. The petition is dismissed.